

EXHIBIT I

OSBURN, SARAH
10/24/2018

Page 1

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4 WENDELL SHANE MACKEY,
5 Plaintiff,
6
7 v Case No. 2:17-cv-12359
8 HON. BERNARD A. FRIEDMAN
9 JAMES MICHAEL BERRYMAN, MAG. DAVID R. GRAND
10 Mayor of the City of Adrian,
11 Michigan: MARGARET M.S. NOE,
12 Judge of the Lenawee County
13 Circuit Court,
14 Defendants.
15 /
16 The Deposition of SARAH OSBURN,
17 Taken at 30600 Telegraph Road,
18 Bingham Farms, Michigan,
19 Commencing at 10:12 a.m.,
20 Wednesday, October 24, 2018
21 Before Diane H. Draugelis, CER-2530.
22
23
24
25

OSBURN, SARAH
10/24/2018

Page 45

1 Q. Are there any official duties from any of the
2 commissioners relating to PPOs that you're aware of in
3 the charter for the city of Adrian?

4 A. I'm not aware of any, no.

5 Q. Are there any other rules or regulations regarding the
6 city of Adrian and commissioners obtaining PPOs as part
7 of official duties?

8 A. Not that I'm aware of.

9 Q. Did the city consider Mr. Berryman's efforts to obtain
10 the PPO against Mr. Mackey Mr. Berryman's own personal
11 matter?

12 MR. GILLOOLY: Continuing objection.

13 THE WITNESS: I mean I can't speak for the
14 city. I don't know how I would determine that.

15 BY MR. HADDAD:

16 Q. Did Mr. Berryman come to you regarding advice on the
17 PPO?

18 A. Trying to recall if I -- I don't -- I don't recall what
19 we talked about, if we talked about it.

20 Q. Were you present when the defendant mayor, Defendant
21 Berryman had a conversation with Shane Horn regarding
22 Berryman not to get the PPO against Mackey?

23 MR. GILLOOLY: Objection; unintelligible.

24 THE WITNESS: I don't -- I don't recall such
25 a conversation.

OSBURN, SARAH
10/24/2018

Page 46

1 MR. GILLOOLY: He asked if you were there,
2 ma'am.

3 THE WITNESS: Oh. I don't recall being
4 present for a conversation.

5 BY MR. HADDAD:

6 Q. Do you recall having any conversations with Mr.
7 Berryman before or after getting the PPO regarding the
8 PPO against Mr. Mackey?

9 A. I don't have specific recollections of it one way or
10 the other.

11 Q. Do you recall if you made any memos or filed any memos
12 with the city clerk's office or requested Michelle
13 Dewey to file your memos regarding the PPO, Mr.
14 Berryman's PPO against Mr. Mackey?

15 A. Are you asking if I gave any sort of legal opinion
16 about the PPO?

17 Q. I'm asking if you filed any memorandum or anything?

18 A. I don't believe I did for that, no.

19 Q. And the next question is do you recall giving Mr.
20 Berryman any verbal or oral response regarding any
21 position regarding the PPO against Mr. Mackey?

22 A. I don't recall.

23 Q. Are you aware if the -- if Mr. Berryman obtaining a PPO
24 against Mr. Mackey was not one of his official duties,
25 then would you agree that section 4.14 of the city

OSBURN, SARAH
10/24/2018

Page 47

1 charter does not allow you as a city attorney to act as
2 his attorney on that matter?

3 MS. BATTERSBY: Sorry. Object as to form.

4 THE WITNESS: Yes.

5 MR. GILLOOLY: I join.

6 THE WITNESS: I agree that I could not
7 represent him on that matter.

8 BY MR. HADDAD:

9 Q. Now, does that refresh your memory if you gave him any
10 opinion one way or another on the PPO?

11 MR. GILLOOLY: I object. I'm sorry, does
12 what refresh your opinion that 4.14 would not allow her
13 to do it? You're reference is to the statute. You
14 didn't reference any specific transcript to refresh her
15 recollection.

16 MR. HADDAD: What I asked her was that the
17 city charter did not allow her to represent him as his
18 attorney, does that refresh her memory then with giving
19 him any advice.

20 BY MR. HADDAD:

21 Q. Now, my next question is -- we'll move on -- did you
22 ever tell Jim Berryman that you cannot give him advice
23 regarding the PPO because it's not part of your duties
24 as a city attorney?

25 A. I don't recall that conversation. I know that I would

OSBURN, SARAH
10/24/2018

Page 86

1 CERTIFICATE OF NOTARY

2 STATE OF MICHIGAN)

3) SS

4 COUNTY OF WAYNE)

5

6 I, DIANE H. DRAUGELIS, certify that this
7 deposition was taken before me on the date
8 hereinbefore set forth; that the foregoing
9 questions and answers were recorded electronically
10 and transcribed by me; that this is a true, full,
11 and correct transcript of my recording so taken;
12 and that I am not related to, nor of counsel to,
13 either party nor interested in the event of this
14 cause.

15

16

17

18

19

20

21

Diane H. Draugelis

22

DIANE H. DRAUGELIS, CER-2530

23

Notary Public,

24

Wayne County, Michigan.

25

My Commission expires: December 12, 2022